

Appl. No. 09/778,187

Docket No. 2873-US-NP

### 3. Remarks

Claims 20-34 are pending in the application with claims 20 and 22 being in independent form. Claims 1-19 and 35-63 are cancelled. Applicants reserve the right to pursue this subject matter in other related applications and have not surrendered any rights to this subject matter.

Claim 29 has been amended to depend from claims 23 and 26. Claims 30, 32, and 34 have been amended to depend from claim 22.

#### *35 U.S.C. §112, first paragraph*

Claims 20-35 and 46-54 stand rejected under 35 U.S.C. §112, first paragraph as supposedly not enabling 90% variants, fragments, and hybridization language. While Applicants do not agree with the Examiner, Applicants have amended claim 20 to remove reference to variants cancelled claims 35-54. Applicants reserve the right to pursue this subject matter in other related applications.

Applicants have amended claims 22, 23, and 26 to state that the fragments have a specific number of residues that can be removed from either the amino or carboxy terminus of amino acids 39-374 of SEQ ID NO: 2 or amino acids 21-356 of SEQ ID NO: 4. Support for the amendment may be found in the specification as originally filed. For example, see page 7 lines 12-14: "In addition, truncated soluble LDCAM proteins comprising less than the entire extracellular domain are included in the invention." And at page 6, lines 12-15: "Variations due to proteolysis include, for example, differences in the N- or C-termini upon expression in different types of host cells, due to proteolytic removal of one or more terminal amino acids from the LDCAM protein (generally from 1-5 amino acids). As such, no new matter has been added."

#### *35 U.S.C. §102*

Claims 20-35 and 37-54 stand rejected under 35 U.S.C. §102(e) as being anticipated by USPN 6,642,360. Applicants have amended and cancelled claims to address the Examiner's rejection.

Applicants believe all issues have been addressed and kindly request reconsideration and allowance of the claims. If any outstanding issues remain that

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may be easily reconciled, the Examiner is invited to telephone Applicants' representative at the number provided below.

Respectfully submitted,



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#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below.

Signed: Nanci M. Kertson Date: Oct. 15, 2007  
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